

Town Board Minutes

**Meeting
No. 34**

Regular Meeting

November 6, 2006

Town Board Minutes

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Meeting No. 34

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the day of 2006 at 8:00 P.M. and there were

PRESENT: DANIEL AMATURA, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPNIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
TERRENCE McCracken, GENERAL CREW CHIEF
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing the contracts between the Town of Lancaster and the fire departments.

At 9:50 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matter:

- 2006 budget amendments, transfers and unanticipated revenues
- traffic on William Street near Transit Road
- new DEC wetland delineations

Klembczyk, Alan, 41 Chestnut Corners, spoke to the Town Board on the following matter:

- wetlands within Windsor Ridge Subdivision and lots being offered for sale

Lukowski, Donna, 129 Brunck Road, spoke to the Town Board on the following matter:

- drainage issues on her property
- dumping by school district on Brunck Road

Fronczak, Mike, 3 Woodstream, spoke to the Town Board on the following matters:

- private cemeteries
- equipment purchases

Reining, Irv, 380 Columbia Avenue, spoke to the Town Board on the following matters:

- storm cleanup
- trees on Village of Depew right-of-way
- felled trees in Ellicott Creek and their potential to be a source of flooding

Richard Korez, 4946 William Street, spoke to the Town Board on the following matter:

- wetlands

Balling, Matthew, 8327 Hirschwood Drive, Clarence, spoke to the Town Board on the following matter:

- requested the Town to impose a fine for cell phone usage in public buildings

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon a proposed amendment to the Vehicle & Traffic Ordinance of the Town of Lancaster for stop intersections in Summerfield Farms Subdivision.

The affidavits of publication and posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

NAME	ADDRESS	Proponent/ Opponent/ Comments/Questions
Dwight Gram	23 Apple Blossom Blvd	Proponent

ON MOTION BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the public hearing was closed at 8:34 P.M.

The Town Board, later in the meeting, adopted a resolution, hereinafter spread at length in these minutes, taking favorable action upon this matter.

November 6, 2006

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Regular Meeting of the Town Board held
October 16, 2006 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on
roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town Board of the Town of Lancaster is desirous of hiring an architectural firm with experience in restoration of historical buildings for the purpose of completing an evaluation and producing a report of the condition of the Town owned building at 40 Clark Street which is used by the Town Historical Society, the purpose of this report is to develop a plan to cause necessary repairs and restoration to the building, and

WHEREAS, the Town has received a proposal from Hamilton Houston Lownie Architects, I.L.C, (HHL) 172 Allen Street, Buffalo, New York 14201 in which HHL proposes to complete the above referenced work for the sum of \$2,900, and

WHEREAS, the Town Board deems it in the public interest to engage the services of Hamilton Houston Lownie Architects, I.L.C to complete such an evaluation and report;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the Supervisor of the Town of Lancaster to enter into an agreement with Hamilton Houston Lownie Architects, I.L.C, 172 Allen Street, Buffalo, New York to complete an examination and evaluation of the Town owned building at 40 Clark Street with an attendant report recommending repairs, restoration and necessary replacements at a fee not to exceed \$2,900.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, a Public Hearing was held on the 6th day of November, 2006 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendment have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted:

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on November 6th, 2006;
3. That a Certified Copy thereof be published in the Lancaster Bee on November 9, 2006;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

File: rvtordchpt46stopsigns1006a

LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

**Article VIII, STOP INTERSECTIONS; NON-INTERSECTION
STOPS; YIELD INTERSECTIONS**

**46-8.1 Stop Intersections designated, is hereby amended by adding
thereto the following:**

SUMMERFIELD FARMS SUBDIVISION

<u>STREET NAME</u>	<u>INTERSECTING STREET</u>	SIGN
		<u>LOCATION</u>
Apple Blossom Boulevard	Sugar Mill Court	N.E. Corner
Apple Blossom Boulevard	Sugar Mill Court	S.W. Corner

November 6, 2006

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY that I, **JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendment to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 6th day of November, 2006, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 6th day of November, 2006.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Town Board has previously authorized the Supervisor for the Town of Lancaster to enter into a contract with G & K Sewer Construction Company, Inc., 3135 Walden Avenue, Depew, New York 14043 for the purpose of having this contractor complete revision of storm sewer bubblers on an as needed basis to assist the Highway Superintendent in addressing problems which have occurred over time with the storm sewer bubblers where they connect to the main storm sewer on Town roads, and

WHEREAS, the Highway Superintendent has advised that the \$7,500 sum which was appropriated for this work in the resolution of July 3, 2006 has now been expended and has now requested that the Town appropriate an additional sum not to exceed \$10,000, and

WHEREAS, the Town Board has given due consideration to this request and deems it in the public interest to employ this outside contractor to undertake this specialized seasonal work.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes the appropriation of an additional sum of \$10,000 to be used for payment for work completed by G & K Sewer Construction Company, Inc., 3135 Walden Avenue, Depew, New York 14043 on the revision of storm sewer bubblers at the direction of the Highway Superintendent.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

File: rg&ksewerconstruction1106

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION. SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the General Crew Chief of the Parks and Recreation Department has requested permission to allow laborer aide Brian Stanek to carry over three vacation days that were scheduled but had to be cancelled due to the storm on October 12, 2006, and

WHEREAS, the Town Board of the Town of Lancaster duly considered this request and desires to approve the same;

NOW, THEREFORE, BE IT

RESOLVED, that Brian Stanek, laborer aide in the Parks and Recreation Department, be and is hereby authorized to carry over twenty-four hours of his 2006 allotment of vacation days which remain unused due to the storm of October 12, 2006.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the General Crew Chief of the Parks and Recreation Department has requested permission to allow laborer Mark Lubera to carry over one vacation day that was scheduled but had to be cancelled due to the storm on October 12, 2006, and

WHEREAS, the Town Board of the Town of Lancaster duly considered this request and desires to approve the same;

NOW, THEREFORE, BE IT

RESOLVED, that Mark Lubera, laborer in the Parks and Recreation Department, be and is hereby authorized to carry over eight hours of his 2006 allotment of vacation days which remain unused due to the storm of October 12, 2006.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the General Crew Chief of the Parks and Recreation Department has requested permission to allow laborer aide Leo Warrington to carry over one vacation day that was scheduled but had to be cancelled due to the storm on October 12, 2006, and

WHEREAS, the Town Board of the Town of Lancaster duly considered this request and desires to approve the same;

NOW, THEREFORE, BE IT

RESOLVED, that Leo Warrington, laborer aide in the Parks and Recreation Department, be and is hereby authorized to carry over eight hours of his 2006 allotment of vacation days which remain unused due to the storm of October 12, 2006.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, by resolutions dated October 16, 2006, the Town Board of the Town of Lancaster authorized the emergency purchases of vehicles for the Police Department and a Bucket Truck for use in the Parks, Recreation and Forestry Department, and

WHEREAS, the 2006 Adopted Budget of the Town of Lancaster requires supplemental appropriations in order to fund said emergency purchases,

NOW, THEREFORE, BE IT

RESOLVED that the following Budget Amendments be and are hereby approved to the 2006 Adopted Budget of the Town of Lancaster:

Police Fund	<u>Increase</u>
P599 Appropriated Fund Balance	100,000
P960 Budget Appropriations	100,000
P3120.220 Police - Passenger Vehicles	100,000

General Fund - Townwide	<u>Increase</u>
A599 Appropriated Fund Balance	90,000
A960 Budget Appropriations	90,000
A8510.225 Forestry & Comm. Beautification - Trucks & Related Equipment	90,000

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster has been awarded various grants which have resulted in or will result in the Town receiving revenue not anticipated in the 2006 Adopted Budget of the Town of Lancaster, and

WHEREAS, these same grants have resulted in or will result in the Town of Lancaster expending funds which are not currently provided for in the 2006 Adopted Budget of the Town of Lancaster, and

WHEREAS, the Town Board of the Town of Lancaster desires to amend 2006 Adopted Budget of the Town of Lancaster to reflect the increase in the estimated revenues and appropriations resulting from the various grants mentioned above and detailed below.

NOW, THEREFORE, BE IT

RESOLVED that the following Budget Amendments be and are hereby approved to the 2006 Adopted Budget of the Town of Lancaster:

Bullet Proof Vest Grant

Police Fund	<u>Increase</u>
P510 Estimated Revenues	\$6,000
P4389 Federal Public Safety Aid	6,000
P960 Budget Appropriations	6,000
P3120.442 Police - Uniforms and Related	6,000

Secure Our Schools Surveillance Camera Grant/Joint Project with I.CSD

Police Fund	<u>Increase</u>
P510 Estimated Revenues	40,500
P4389 Federal Public Safety Aid	20,250
P2390 Share of Joint Activity, Other Governments	20,250
P960 Budget Appropriations	40,500
P3120.260 Police - Other Capital Outlay	40,500

Evidence Collection Vehicle for Police Department (partial grant)

Police Fund	<u>Increase</u>
P510 Estimated Revenues	31,000
P3389 State Aid, Other Public Safety	17,000
P1589 Other Public Safety Income	10,000
P5034 Interfund Transfer In from Police Asset Forfeiture Fund	4,000
P960 Budget Appropriations	31,000
P3120.220 Police - Passenger Vehicles	31,000

Narcotics Investigation Grant (IMPACT TOOLS) - Detective Bureau (NYSDCJS)*

Police Fund	<u>Increase</u>
P510 Estimated Revenues	49,735
P3389 State Aid, Other Public Safety	49,735
P960 Budget Appropriations	49,735
P3120.128 Police - Narcotics Grant Overtime	49,735

*Note: Any unexpended balance at year end will be added to the 2007 Budget

CDBG grant for Senior Van	
General Fund - Townwide	<u>Increase</u>
A510 Estimated Revenues	38,048
A4910 Federal Aid, Community Development Act	38,048
A960 Budget Appropriations	38,048
A7610.225 Programs for the Aging, Senior Van	38,048

State Aid from Senator Volker for logjam removal in Ellicott Creek	
General Fund - Townwide	<u>Increase</u>
A510 Estimated Revenues	35,000
A3989 State Aid, Other Home and Community Service	35,000
A960 Budget Appropriations	35,000
A8540.410 Drainage, Professional Services	35,000

NYS Office of Real Prop. Tax Admin. Technology Improvement Grant Program (to place Assessment Database on Town Website)	
General Fund - Townwide	<u>Increase</u>
A510 Estimated Revenues	5,333
A3089 State Aid, Other General Govt. Support	5,333
A960 Budget Appropriations	5,333
A1355.461 Web Hosting Grant	5,333

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster declared a full state of emergency on Friday, October 13, 2006 for the Town of Lancaster during the recent heavy snow fall and attendant damage to power lines within the Town of Lancaster including the Village of Depew and the Village of Lancaster, and

WHEREAS, Governor George E. Pataki also declared a state of emergency within the Western New York area including the Town of Lancaster as has the Federal Emergency Management Agency (FEMA) on the federal level , and

WHEREAS, the General Crew Chief for the Department of Parks, Senior Facility and Buildings & Grounds of the Town of Lancaster advised the Supervisor that his department deemed it necessary to purchase a new Vermeer BC 1000XL W/BS HP Cummins DSL Engineer (chipper) from Vermeer Northeast, 1235 Route 9, Castleton-on-Hudson, New York, to assist in removing trees and other debris resulting from the damage caused by the recent storm at a cost of \$26,600, such purchase being exempt from the public bid requirement of §103 GML where an emergency is declared by the Town Supervisor, and

WHEREAS, the Town Board deems it in the public interest to purchase this additional equipment so that the safety of the public can be assured;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes payment to Vermeer Northeast, 1235 Route 9, Castleton-on-Hudson, New York, for the emergency purchase of a new Vermeer BC 1000XL W/BS HP Cummins DSL Engineer (chipper) for use in the Department of Parks, Senior Facility and Buildings & Grounds in the sum of \$26,600,

AND BE IT FURTHER

RESOLVED, that the following amendment to the 2006 Adopted Budget of the Town of Lancaster be and is hereby approved to fund said purchase

General Fund Townwide	<u>Increase</u>
A599 Appropriated Fund Balance	26,600
A960 Budget Appropriations	26,600
A8510.230 Forestry & Comm. Beautification - Other Motorized Equipment	26,600

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster declared a full state of emergency on Friday, October 13, 2006 for the Town of Lancaster during the recent heavy snow fall and attendant damage to power lines within the Town of Lancaster including the Village of Depew and the Village of Lancaster, and

WHEREAS, Governor George E. Pataki also declared a state of emergency within the Western New York area including the Town of Lancaster as has the Federal Emergency Management Agency (FEMA) on the federal level , and

WHEREAS, the Highway Superintendent for the Highway Department of the Town of Lancaster advised the Supervisor that his department deemed it necessary to purchase a 2006, John Deere 624J Wheel Loader Cab from Five Star Equipment, Inc., P.O. Box 985, Orchard Park, New York 14127, to assist in removing trees and other debris resulting from the damage caused by the recent storm at a cost of \$140,569, such purchase being exempt from the public bid requirement of §103 GML where an emergency is declared by the Town Supervisor, and

WHEREAS, the Town Board deems it in the public interest to purchase this additional equipment so that the safety of the public can be assured;

NOW THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes payment to Five Star Equipment, Inc., P.O. Box 985, Orchard Park, New York for the emergency purchase of a new 2006, John Deere 624J Wheel Loader Cab for use by the Highway Department in the sum of \$140,569;

AND BE IT FURTHER

RESOLVED, that the following budget transfers within the 2006 Adopted Budget of the Town of Lancaster be and are hereby approved to fund said purchase:

Highway Fund - Town Outside Villages	<u>Increase</u>	<u>Decrease</u>
DB5130.225 Trucks and Related Equipment	140,569	
DB5110.433 General Repairs - Resurfacing Materials		45,569
DB5142.101 Snow Removal - Wages		95,000

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster declared a full state of emergency on Friday, October 13, 2006 for the Town of Lancaster during the recent heavy snow fall and attendant damage to power lines within the Town of Lancaster including the Village of Depew and the Village of Lancaster, and

WHEREAS, Governor George E. Pataki also declared a state of emergency within the Western New York area including the Town of Lancaster as has the Federal Emergency Management Agency (FEMA) on the federal level, and

WHEREAS, the General Crew Chief for the Department of Parks, Senior Facility and Buildings & Grounds of the Town of Lancaster advised the Supervisor that his department deemed it necessary to purchase several new pieces of equipment including chain saws, pumps and generators to assist in removing trees and other debris resulting from the damage caused by the recent storm and assisting Town residents in preventing property damage due to the widespread electric outage at a cost not to exceed \$50,000, such purchases being exempt from the public bid requirement of §103 GML where an emergency is declared by the Town Supervisor, and

WHEREAS, the Town Board deems it in the public interest to purchase this additional equipment so that the safety of the public can be assured;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby authorizes payment for the emergency purchase of several new pieces of equipment including chain saws, pumps and generators for use in the Department of Parks, Senior Facility and Buildings & Grounds at a cost not to exceed \$50,000.

AND BE IT FURTHER

RESOLVED, that the following amendment to the 2006 Adopted Budget of the Town of Lancaster be and is hereby approved to fund said purchases

General Fund Townwide	<u>Increase</u>
A599 Appropriated Fund Balance	50,000
A960 Budget Appropriations	50,000
A8510.230 Forestry & Comm. Beautification -	
Other Motorized Equipment	20,000
A8989-230 Other Home and Comm. Services -	
Other Motorized Equipment	30,000

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 4957 to Claim No. 5326 Inclusive

Total amount hereby authorized to be paid: \$1,030,482.87

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

File: Reclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby
reaffirmed:
CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

NEW PERMITS:

14242	Davies, Robert	260 Lake Ave	Er. Shed	(V/L)
14243	City Fence Inc	1 Trentwood Trl	Er. Fence	
14244	American Eagle	5345 Genesee St	Er. Fireplace	
14245	Randaccio Builders	21 Beatrix Cir	Er. Dwlg.-Sin.	
14246	Salvatore, Russell	6691 Transit Rd	Er. Comm. Alt.	
14247	Ryan Homes	10 St Anthony St	Er. Dwlg.-Sin.	
14248	Ryan Homes	15 St Anthony St	Er. Dwlg.-Sin.	
14250	Schuster Construction	9 Edgewood Rd	Repair Roof	(V/L)
14251	Baccari, Daniel	86 Garfield St	Er. Garage	(V/L)
14252	Palmisano, Donald	1707 Como Park Blvd	Er. Res. Add.	
14253	Gurlund Graphics	5679 Broadway	Er. Sign	
14254	Four Seasons Sunrooms	20 Woodgate Dr	Er. Res. Add.	
14255	Purnassos LP	1700 Commerce Pkwy	Er. Comm. Alt.	(V/L)
14256	Grau Builders	1 Logan Ln	Er. Dwlg.-Sin.	
14257	North Forest Devel.	2821 Wehrle Dr	Er. Comm. Bldg.	
14258	North Forest Devel.	2821 Wehrle Dr	Er. Comm. Alt. - Suite 1	
14259	North Forest Devel.	8201 Wehrle Dr	Er. Comm. Alt. - Suite 2	
14260	North Forest Devel.	8201 Wehrle Dr	Er. Comm. Alt. - Suite 3	
14261	North Forest Devel.	2821 Wehrle Dr	Er. Comm. Alt. - Suite 4	
14262	North Forest Devel.	2821 Wehrle Dr	Er. Comm. Alt. - Suite 5	
14263	North Forest Devel.	2821 Wehrle Dr	Er. Comm. Alt. - Suite 6	
14264	North Forest Devel.	2821 Wehrle Dr	Er. Comm. Alt. - Suite 7	
14265	North Forest Devel.	2821 Wehrle Dr	Er. Comm. Alt. - Suite 8	
14266	North Forest Devel.	2821 Wehrle Dr	Er. Comm. Alt. - Suite 9	
14267	North Forest Devel.	2821 Wehrle Dr	Er. Comm. Alt. - Suite 10	
14268	North Forest Devel.	2821 Wehrle Dr	Er. Comm. Alt. - Suite 11	
14269	City Fence Inc	19 Chicory Ln	Er. Fence	
14270	North Forest Devel.	2821 Wehrle Dr	Er. Comm. Alt. - Suite 12	
14271	North Forest Devel.	2821 Wehrle Dr	Er. Comm. Alt. - Suite 13	
14272	North Forest Devel.	2821 Wehrle Dr	Er. Comm. Alt. - Suite 14	
14273	North Forest Devel.	2809 Wehrle Dr	Er. Sign-Wall	
14274	Ferry Builders Inc	146 Nichter Rd	Er. Dwlg.-Sin.	
14275 SW	Ferry Builders Inc	150 Nichter Rd	Er. Dwlg.-Sin.	
14276	Pool Mart	49 Creekwood Dr	Er. Pool-Abv Grnd	

14277	Sun Enterprises	71 Stony Brook Dr	Er. Shed	
14278	D&D Holdings	33 Pearl St	Er. Comm. Add.	(V/L)
14279	Lundin, Carl	49 Southpoint Dr	Er. Shed	
14280	Duro-Shed Inc	21 Avian Way	Er. Shed	
14281	Niagara Construction	23 Oxford Ave	Er. Res. Add.	(V/L)
14282	Warmus, Richard	5876 Broadway	Er. Sign	
14283	REL Properties	4304 Walden Ave	Er. Sign-Temp	
14284	Ryan Homes	3 St Anthony St	Er. Dwlg.-Sin.	
14285	Heritage Fireplace	14 Stream View Ln	Er. Fireplace	
14286	Duro-Shed Inc	27 Woodgate Dr	Er. Shed	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

File: Rbldg2

SUSPENDED RESOLUTION:

Supervisor Giza requested a suspension of the necessary rules for immediate consideration of the following resolution:

UPON A MOTION DULY MADE BY COUNCIL MEMBER RUFFINO, SECONDED BY COUNCIL MEMBER STEMPIAK AND CARRIED, the suspension was granted.

SUSPENSION GRANTED

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, the Town of Lancaster has applied and received a grant from the New York State Education Department State Archives Local Government Records Management Improvement Fund to determine contents of files, create labels and place documents in new files, gather obsolete records for destruction, and prepare certificates of destruction for review by RMO.

WHEREAS, the Chief of Detectives of the Town of Lancaster, by letter dated October 16, 2006, has requested the appointment a part time temporary employee to determine contents of files for labeling and filing, and gather obsolete records for destruction and prepare certificates of destruction for review by RMO.

NOW, THEREFORE, BE IT

RESOLVED, that Deborah M. Phipps, of 66 Parkview Court, Lancaster, New York be and is hereby appointed to the temporary position in the Detective Bureau, part-time, at an hourly rate of \$14.00 effective November 6, 2006, with no health insurance, sick days, vacation or other fringe benefits. This appointment will terminate July 31, 2007.

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

November 6, 2006

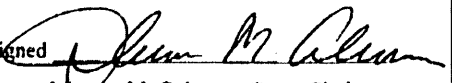
COMMUNICATIONS & REPORTS:

555. Erie County Department of Environment & Planning to Supervisor, Town Clerk - Notice designating November 1 - 30, 2006 as period to request inclusion to a certified agricultural district. DISPOSITION = Received & Filed
556. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Deputy Town Attorney, Highway Superintendent, Building Inspector - Draft copy of minutes of meeting held October 18, 2006. DISPOSITION = Received & Filed
557. Planning Board to Town Board - Recommend approval of site plan for proposed Park Lane Apartments, 4845 Transit Road. DISPOSITION = Planning Committee
558. Planning Board to Town Board - Notice of adjournment until November 1, 2006 regarding proposed Aldi Food Store, 4737 William Street. DISPOSITION = Received & Filed
559. Chairman, Lancaster Industrial Development Agency to Town Clerk - Letter regarding preliminary budget of LIDA for the year of 2007. DISPOSITION = Received & Filed
560. Town of Marilla to Town Board - Transmittal of adopted resolution regarding special use permit for FEMA debris site located at 11215 Clinton Street. DISPOSITION = Received & Filed
561. Erie County Department of Environment & Planning to Supervisor - Transmittal of e-mail from NYS Department of State regarding implementation of General Municipal Law Section 239-nn requiring notification of adjacent municipality's town clerk of zoning changes. DISPOSITION = Received & Filed
562. Niagara Region Brownfields Coalition to Chairman, Lancaster Industrial Development Agency - Letter regarding funding for Environmental Site Assessments. DISPOSITION = Received & Filed
563. Town Clerk to Town Board - Transmittal of monthly report for October 2006. DISPOSITION = Received & Filed
564. Erie County Department of Senior Services to Supervisor - Reply to letter requesting replacement of current Going Places van. DISPOSITION = Received & Filed
565. Paul N. Friedrich to Supervisor - Letter regarding deer population in northwest portion of the town. DISPOSITION = Safety Committee
566. Planning Board Chairman to Planning Board, Town Board, Engineering Consultant, Deputy Town Clerk, Highway Superintendent, Building Inspector - Draft copy of minutes of meeting held November 1, 2006. DISPOSITION = Received & Filed
567. Planning Board to Town Board - Recommend approval of site plan for proposed Aldi Food Store, 4737 William Street; conditions noted. DISPOSITION = Planning Committee
568. Planning Board to Town Board - Recommend approval to send letter to NYS DEC regarding proposed freshwater Wetlands LA-17. DISPOSITION = Town Attorney

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPNIAK, SECONDED BY COUNCIL MEMBER MONTOUR, AND CARRIED, the meeting was adjourned at 9:50 P.M.

Signed



Johanna M. Coleman, Town Clerk